

109TH CONGRESS
2D SESSION

H. R. 5016

To provide for the exchange of certain Bureau of Land Management land
in Pima County, Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2006

Mr. KOLBE introduced the following bill; which was referred to the Committee
on Resources

A BILL

To provide for the exchange of certain Bureau of Land
Management land in Pima County, Arizona, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Las Cienegas En-
5 hancement Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COUNTY.—The term “County” means Pima
9 County, Arizona.

1 (2) FEDERAL LAND.—The term “Federal land”
2 means the Sahuarita parcel of land consisting of ap-
3 proximately 1,280 acres in sections 5, 7, and 8 of
4 Township 17 South, Range 15 East, Gila and Salt
5 River Base and Meridian.

6 (3) LANDOWNER.—The term “landowner”
7 means Las Cienegas Conservation, LLC.

8 (4) NON-FEDERAL LAND.—The term “non-Fed-
9 eral land” means the Empirita-Simonson parcel of
10 land, subject to well access easements of record, con-
11 sisting of approximately 2,490 acres in sections 14,
12 22, 23, 24, 25, 26, and 36 of Township 17 South,
13 Range 18 East, Gila and Salt River Base and Me-
14 ridian.

15 (5) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 **SEC. 3. LAND EXCHANGE, BUREAU OF LAND MANAGEMENT**
18 **LAND IN PIMA COUNTY, ARIZONA.**

19 (a) EXCHANGE AUTHORIZED.—If the landowner of-
20 fers to convey to the Secretary title to the non-Federal
21 land, the Secretary shall accept the offer and convey to
22 the landowner all, right, title, and interest of the United
23 States in and to the Federal land.

24 (b) VALUATION, APPRAISALS, AND EQUALIZATION.—

1 (1) EQUAL VALUE EXCHANGE.—The value of
2 the Federal land and the non-Federal land to be ex-
3 changed under this section shall be equal. If the val-
4 ues are not equal, the values shall be equalized in
5 accordance with paragraph (3).

6 (2) APPRAISAL.—To determine the value of the
7 Federal land and non-Federal land, the Federal land
8 and non-Federal land shall be subject to an ap-
9 praisal by an independent, qualified appraiser agreed
10 to by the Secretary and landowner. The appraiser
11 shall consider the value of the Federal land and the
12 non-Federal land as of the date of the enactment of
13 this Act. The appraisal shall be conducted in accord-
14 ance with the Uniform Appraisal Standards for Fed-
15 eral Land Acquisition and the Uniform Standards of
16 Professional Appraisal Practice. Not later than 180
17 days after the date of enactment of this Act, the ap-
18 praisal shall be submitted to the Secretary and land-
19 owner for approval.

20 (3) CASH EQUALIZATION PAYMENTS.—If the
21 value of the Federal land and non-Federal land is
22 not equal, the value may be equalized by the pay-
23 ment of a cash equalization payment by the Sec-
24 retary or landowner. Notwithstanding section 206(b)
25 of the Federal Land Policy and Management Act of

1 1976 (43 U.S.C. 1716(b)), the Secretary may accept
2 a cash equalization payment in excess of 25 percent
3 of the value of the Federal land.

4 (4) DISPOSITION AND USE OF PROCEEDS.—Any
5 cash equalization payment received by the Secretary
6 under paragraph (3) shall be deposited in the fund
7 established by Public Law 90–171 (commonly known
8 as the “Sisk Act”; 16 U.S.C. 484a). Amounts so de-
9 posited shall be available to the Secretary, without
10 further appropriation and until expended, for the ac-
11 quisition of land and interests in land in southern
12 Arizona.

13 (c) TIME FOR COMPLETION OF EXCHANGE.—The
14 land exchange authorized under this section shall be com-
15 pleted—

16 (1) except as provided in paragraph (2), before
17 the expiration of the 90-day period beginning on the
18 date on which the appraisals of the Federal land and
19 non-Federal land are submitted to the Secretary and
20 landowner; or

21 (2) if there is a dispute concerning an appraisal
22 or appraisal issue arising under subsection (b), be-
23 fore the expiration of the 90-day period beginning on
24 the date the dispute is resolved.

1 (d) CONDITIONS OF CONVEYANCE.—As a condition
2 of the conveyance of the Federal land to the landowner,
3 the landowner shall—

4 (1) pay the costs of carrying out the exchange
5 of the Federal land and non-Federal land under this
6 section, including any direct costs relating to any en-
7 vironmental reviews and mitigation of the Federal
8 land.

9 (2) convey to the County a well site of approxi-
10 mately 98 acres located within the exterior bound-
11 aries of the non-Federal land, which well site is le-
12 gally described in the instrument recorded in Docket
13 12543, pages 5459–5465, Official Records of Pima
14 County, Arizona.

15 (e) CORRECTION OF ERRORS; MINOR BOUNDARY AD-
16 JUSTMENTS.—The Secretary and landowner may mutually
17 agree—

18 (1) to correct minor errors in the legal descrip-
19 tions of the Federal land and non-Federal land; or

20 (2) to make minor adjustments to the bound-
21 aries of the Federal land and non-Federal land.

22 (f) ROAD ACCESS.—Not later than 18 months after
23 the date on which the non-Federal land is acquired by the
24 Secretary, the Secretary shall, in accordance with section
25 507 of the Federal Land Policy and Management Act of

1 1976 (43 U.S.C. 1767), provide to the Secretary of Agri-
2 culture a right-of-way to the non-Federal land for motor-
3 ized public road access to the boundary of the Coronado
4 National Forest.

5 (g) ADMINISTRATION OF LAND ACQUIRED BY THE
6 UNITED STATES.—On acquisition of the non-Federal land
7 by the Secretary, the Secretary shall—

8 (1) include the acquired land as part of the Las
9 Cienegas National Conservation Area; and

10 (2) administer the acquired land in accordance
11 with the laws applicable to national conservation
12 areas.

13 **SEC. 4. MODIFICATION OF LAS CIENEGAS NATIONAL CON-**
14 **SERVATION AREA BOUNDARY.**

15 The boundary of the Las Cienegas National Con-
16 servation Area is modified to exclude the 40-acre tract
17 that, as of the date of the enactment of this Act, is leased
18 by the Bureau of Land Management to the town of Elgin,
19 Arizona, for a sanitary landfill.

○